

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11-16 are pending in the present application; no claims having been amended, canceled, or added by way of the present amendment.

In the outstanding Office Action, Claims 11-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by or in the alternative, under 35 U.S.C. § 103(a) as obvious over Hwang (U.S. 5,902,656), and Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hwang in view of Mushovic (U.S. 5,604,266).

Claims 11-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as obvious over Hwang. These rejections are respectfully traversed.

Taking independent Claim 11, for example, there is recited a pre-fabricated tubular body. This body comprises:

integral centralizer formations, said formations being formed as projections molded directly onto the tubular body from moldable materials comprising a curable resin, ceramic particulate filler materials, and chopped carbon fibers.

Hwang discloses a backing 6 in Figure 1 which may comprise an additive such as an antistatic agent.

However, as opposed to reciting a generic antistatic agent, independent Claim 11 recites “chopped carbon fibers.” This feature of the chopped carbon fibers is neither disclosed nor suggested in Hwang.

Moreover, column 5, lines 33-38 of Hwang disclose that vibration dampening materials can include additives such as fillers, colorants, toughening agents, fire retardants, antioxidants, antistatic agents, and the like. This paragraph does not disclose or suggest the

claimed “chopped carbon fiber,” and therefore, the anticipation rejection under 35 U.S.C. § 102(b) must be withdrawn.

With regard to the obviousness rejection using Hwang, the outstanding Office Action states at the top of p. 3 that “Hwang discloses the use of antistatic fillers and it is considered old and well known in the art that carbon black fibers are used as antistatic fillers in pipes.”

Basically, the outstanding Office Action takes the position that because antistatic materials are disclosed in Hwang, and carbon black fiber is an old and well known antistatic filler, that it would be obvious to use carbon black fibers in the system of Hwang.

However, this rejection relies on the knowledge of the Examiner and no prior art is cited in this specific rejection for the carbon black fibers. This rejection essentially uses official notice by the Examiner for the feature of carbon black fibers. As this is an important feature of the claimed invention and in this rejection, no secondary patent or publication is utilized, the Applicants do not accept the principle that it would have been obvious and old and well known to utilize carbon black fibers.

As explained above, Hwang only teaches the use of “antistatic agents” without specifying which antistatic agent to use. The teaching of antistatic agents is unrelated to the invention as the invention has properties related to resistance to wear abrasion, thermal stress, and maximum adhesion. The fact that antistatic means that it reduces or eliminates static electricity (generated by an unbalance of electric charges) does not mean that the antistatic agents are relative to the present invention and in fact may have nothing to do with the present invention.

The combining of a generic teaching of Hwang (especially one which is far from the objective of the invention) with (“antistatic” filler), and with a teaching of general knowledge (carbon black fiber as a known antistatic agent) leads the outstanding Office Action to assert that the claimed invention is an obvious modification of Hwang. Thus, under the

circumstances, following the assumptions set forth in the outstanding Office Action, it is possible to argue that all known antistatic agents could be selected and used as antistatic agents in Hwang, without being able to say which of them can be more advantageously used with Hwang with respect to the others.

Moreover, the fact of using carbon fibers in the present invention in a tool of different purpose (a centralizer instead of a damper) due to different properties or requirements (resistance instead of antistatic properties) cannot be considered as obvious by the same teaching of Hwang.

Accordingly, the rejection under 35 U.S.C. based on Hwang is respectfully requested to be withdrawn.

Claims 11-16 stand rejection under 35 U.S.C. § 103(a) as being unpatentable over Hwang in view of Mushovic. This rejection is respectfully traversed.

The outstanding Office Action relies on Mushovic for the feature that it is old and well known to provide cured resins with various fillers, where ceramic fibers, carbon fibers, and carbon black are all equivalent materials used as fillers to improve the structural strength of the plastic. Additionally, the first sentence of the rejection under 35 U.S.C. § 103 with respect to Hwang in view of Mushovic states “as set forth above, Hwang is considered to teach the combination of carbon black with ceramic fillers in centralizers.” However, this is a clearly erroneous statement. Hwang does not teach the combination of carbon black with ceramic fillers. As explained above, Hwang teaches the use of antistatic agents. Nowhere within Hwang is there disclosed or suggested the use of carbon black, as claimed. If the outstanding Office Action continues to allege that Hwang teaches the use of carbon black, a specific page and line number of such a teaching is respectfully requested.

As this premise on which the outstanding Office Action is based is clearly erroneous, the rejection under 35 U.S.C. § 103(a) utilizing Hwang in view of Mushovic must be withdrawn.

Moreover, Mushovic is directed to materials having rigid or semi-rigid characteristics (see col. 1, line 17) whereas Hwang is directed to a damper with damping characteristics and also with antistatic characteristics. Moreover, the rigid or semi-rigid reinforced materials do not necessarily improve the material resistance, but they do increase its rigidity.

From the examples themselves, it is clear that the objective is to obtain enhancement of rigidity. See Mushovic at Example 4, column 4, lines 46-48. See also the regulation of the thermal expansion and col. 23, lines 26-33.

Mushovic does not teach that carbon black, carbon fiber, ceramic fibers may be equivalent when used as “dispersed filler particles” but always in reference to the increase in rigidity of the desired material.

Additionally, the teachings of Mushovic disclose that many other materials (such as the list at col. 8, lines 22-34) do not provide for a specific teaching among which these materials may be conveniently used. In other words, going along the assumption of the outstanding Office Action, whatever material among those listed on col. 8, from lines 22-34 should be suitable, whereas only the components mentioned in the main claim on file and in particular, thanks to the use of carbon fiber, is it possible to achieve a centralizer with characteristics of resistance to wear, abrasion, thermal stress and maximum adhesion.

It is emphasized that the teachings refer to improvements in rigidity and the regulation of the thermal expansion, but not features of the resistance desired by the Applicants. Finally, in Mushovic, there is specifically mentioned the use of either carbon black or carbon fibers, which implicitly affirms that they are clearly different materials, as was previously argued.

Accordingly, the rejections are respectfully requested to be withdrawn. The dependent claims are patentable for at least the reason independent Claim 11 is patentable.

Consequently, in light of the above discussion and in view of the present Amendment, the present application is in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

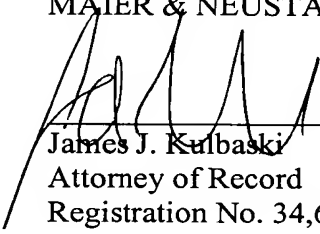
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